

IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF OKLAHOMA

FILED

MAR 11 2014

IRMA A. DEROIN,

Plaintiff,

vs.

CAROLYN W. COLVIN, Acting
Commissioner of Social Security,¹

Defendant.

ROBERT D. DENNIS, CLERK
U.S. DIST. COURT, WESTERN DIST. OF OKLA.
BY ZW DEPUTY

No. CIV-12-1236-W

ORDER

On February 20, 2014, United States Magistrate Judge Shon T. Erwin issued a Report and Recommendation in this matter and recommended that the decision of Carolyn W. Colvin, Acting Commissioner of Social Security ("Commissioner"), denying the Application for Disability Insurance Benefits filed by plaintiff Irma A. Derooin be reversed. Magistrate Judge Erwin further recommended that this matter be remanded to the Commissioner for additional administrative proceedings. The parties were advised of their right to object to Magistrate Judge Erwin's Report and Recommendation, but neither party has objected within the allotted time.

Upon review of the record, the Court concurs with Magistrate Judge Erwin's determination that remand of this matter is warranted because the Administrative Law Judge ("ALJ") failed to make the appropriate findings with regard to phases two and three of the step-four analysis. E.g., Washington v. Shalala, 37 F.3d 1437, 1442 (10th Cir. 1994) (ALJ must make necessary findings regarding physical and mental demands of claimant's

¹Effective February 14, 2013, Carolyn W. Colvin became Acting Commissioner of Social Security. Pursuant to Rule 25(d)(1), F.R.Civ.P., Colvin is hereby SUBSTITUTED for Michael J. Astrue as defendant in this action. See Docs. 13, 15.

past relevant work and regarding claimant's ability to do that work given claimant's residual functional capacity).

Accordingly, the Court

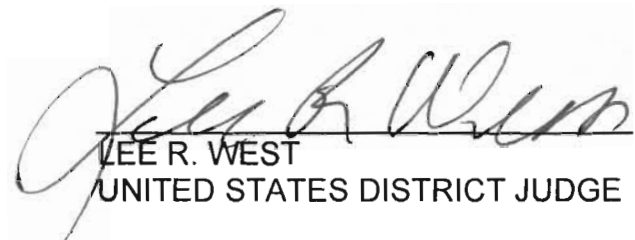
(1) ADOPTS the Report and Recommendation [Doc. 24] issued on February 20, 2014;

(2) REVERSES the Commissioner's decision denying Deroin's Application for Disability Insurance Benefits;

(3) REMANDS this matter to the Commissioner pursuant to sentence four of Section 205(g) of the Social Security Act, 42 U.S.C. § 405(g), for further administrative proceedings in accordance with this Order and consistent with Magistrate Judge Erwin's Report and Recommendation; and

(4) DIRECTS judgment pursuant to this Order to issue forthwith.

ENTERED this 1st day of March, 2014.



LEE R. WEST
UNITED STATES DISTRICT JUDGE